



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, OCTOBER 1, 2019
CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) – City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

(c) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: Real Property – 1831-1841 Tarob Court, Milpitas APN 086-036-030

City Negotiator: Economic Development Director Alex Andrade

Negotiating Party: Geomax

Under Negotiation: Price and Terms of Payment

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

- Proclaim October as *National Hispanic Heritage Month*
- Proclaim October as *National Bullying Prevention Month*
- Proclaim October 6-12, 2019 as *Fire Prevention Week*

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

- C1. Receive City Council calendar for the month of October 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of September 17, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve meeting minutes for the September 17, 2019 regular City Council meeting.

- C3. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Staples Contract & Commercial LLC for Office Supplies through a Sourcwell Cooperative Procurement Agreement for a Combined Maximum Agreement Amount of \$725,000 for 60 months (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendation: Adopt a Resolution authorizing the City Manager to Execute an Agreement with Staples Contract & Commercial LLC for office supplies through a Sourcwell Cooperative Procurement Agreement for a 60-month (5-year) combined maximum Agreement amount of \$725,000 and authorizing the Purchasing Agent to exercise option years 1 through 4 without further action by City Council, except annual appropriation of funds.

- C4. Adopt a Resolution Authorizing the City Manager to Submit an Application for \$310,000 in Non-competitive Planing Grant Funding Provided Under the Building Homes and Jobs Act (SB2) and Execute the Grant Agreement and Related Documents (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendation: Adopt a resolution authorizing the City Manager to submit an application for \$310,000 in non-competitive grant funding, provided under the California Building Homes and Jobs Act (Senate Bill 2), and to execute the grant agreement and all related documents required to secure the grant, subject to approval by the City Attorney.

- C5. Adopt a Resolution Accepting a Department of Homeland Security (FEMA) SAFER (Staffing for Adequate Fire and Emergency Response) Grant of \$2,336,284 to Cover Personnel Costs Including Salary and Benefits Associated with Hiring Six New Milpitas Firefighters, Adopt a Resolution Amending the Classification Plan to Add Six Firefighter Paramedic Positions to the City's Authorized Positions List, and Approve Related Budget Amendment (Staff Contact: Rick Frawley, 408-586-2824)**

Recommendations:

- 1) Adopt a Resolution accepting the Department of Homeland Security (FEMA) SAFER grant of \$2,336,284 awarded to City of Milpitas, and direct staff to proceed with hiring of six new firefighters no later than the start of the period of performance for the grant which is March 11, 2020.
- 2) Adopt a Resolution amending the Classification Plan to authorize adding six (6) Full Time Equivalent (FTE) Firefighter Paramedic positions to the City's Authorized Positions List.
- 3) Approve related budget amendment to transfer \$161,127 from the Non-departmental Operating Budget to the Fire Department Operating Budget to cover the City's cost for FY 2019-20.

C6. Approve a Maintenance Service Agreement with Odyssey Power Corporation for Preventive Generator Maintenance and Repair Services for a Total Amount Not to Exceed \$341,182 for a Five-Year Period (Staff Contact: Chris Schroeder, 408-586-3161 and Tony Ndah, 408-586-2602)

Recommendation: Approve an Agreement with Odyssey Power Corporation for preventive generator maintenance and repair Services, for an amount not to exceed \$49,350 in the first year and a total amount not to exceed \$341,182 over the five-year period, subject to annual appropriation of funds.

C7. Report on Request for Proposals for an Energy and Water Savings Performance Contract and Approve and Authorize the Interim City Manager to Execute the Professional Service Agreement with Engie Services U.S. Inc. for Conducting an Investment Grade Audit of City Facilities and Land (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

- 1) Receive report on Request for Proposal for Energy and Water Savings performance contract to identify, engineer, install, commission, and maintain Energy Conservation Measures on City facilities and land; and
- 2) Approve and authorize the Interim City Manager to execute a Professional Service Agreement with Engie Services U.S. Inc. for the purpose of conducting an investment grade audit on City facilities and land in the maximum amount of \$150,000.

C8. Consider Request from Sunnyhills Neighborhood Association to Waive Fees for Rental of Augustine Park on October 26, 2019 for its Halloween Event (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive Fee Waiver Request from Sunnyhills Neighborhood Association and move to waive fees of \$1,112.63 for City of Milpitas costs related to the special neighborhood Halloween event at Augustine Park on October 26, 2019.

C9. Report on the City of Milpitas' Third Quarter and Fourth Quarter Financial Status (Staff Contact: Walter C. Rossmann, 408-586-3111)

Recommendation: Review a Report on the City of Milpitas' Third Quarter and Fourth Quarter Financial Status

PUBLIC HEARINGS

10. **Conduct a Public Hearing and Consider Adoption of Resolution of the City Council Upholding the Planning Director's Appeal and Finding that the Non-Conforming Industrial Use at 1831-1841 Tarob Court was Discontinued for a Continuous Period of more than One Year, and in Accordance with City of Milpitas Municipal Code Section XI-10-56.03(A), cannot be Replaced with a Different Non-Conforming Industrial Use (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendations:

1. Conduct a public hearing and move to close the hearing following comments.
2. Consider the Exemption in accordance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) (Not a Project).
3. Adopt a resolution upholding the Planning Director's appeal and finding that the previous nonconforming industrial use located at 1831-1841 Tarob Court was discontinued for a continuous period of more than one year, and in accordance with City of Milpitas Municipal Code Section XI-10-56.03(A), cannot be replaced with a different nonconforming industrial use.

11. Adopt a Resolution to Authorize the 2019 Adjustment to the Transit Area Specific Plan (TASP) Infrastructure Costs and Transit Area Development Impact Fees (TADIF) and to Allow a Limited Deferral of TADIF for Certain Projects with Entitlements (Staff Contacts: Kevin Riley, 408-586-3292 and Ned Thomas, 408-586-3273)

Recommendation: Adopt a Resolution authorizing the City Manager to update the Transit Area Development Impact Fees (TADIF) based on current cost estimates for infrastructure items listed in the TASP Basic Infrastructure Program (BIP) and to allow the deferral of TADIF payment until approval of occupancy for those projects listed in Exhibit B to the Resolution, with the deferred payment provision to expire 12 months after the effective date of the fee increase.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

12. Receive Performing Arts / Youth Theatre Study Report (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendations:

1. Approve restructure of the youth theatre contract program and performing arts class opportunities resulting in: (a) increased availability for residents' use of the Community Center Auditorium; (b) creation of Performing Arts Brand and Marketing; and (c) expansion of performing arts opportunities including shorter, less expensive programs for children with subsidy through the Milpitas Assistance Program; and greater variety, including cultural music and dance;
2. Contract structure for director to go to a flat rate for each production, including a percentage of ticket sales revenue, and
3. Direct staff to develop additional recommendations for City Council consideration during the FY 2020-21 Budget process for additional opportunities based on community feedback/interest.

PUBLIC SAFETY

13. Receive Presentation of Unmanned Aircraft System (UAS) Technology and Provide the Milpitas Police Department Staff with Feedback on Policy and the Program (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation: Receive the presentation of Unmanned Aircraft System (UAS) Technology and provide the Milpitas Police Department staff feedback on program policy and program.

LEADERSHIP AND SUPPORT SERVICES

14. Discuss clarifications related to the scope of the Rules Subcommittee and provide direction to staff on next steps (Staff Contacts: Steve McHarris, 408-586-3059 and Chris Diaz, 408-586-3041)

Recommendation: Discuss the Rules Subcommittee Scope Document and provide direction to staff to incorporate clarifying language related to the Subcommittee's role in adding items to the agenda

15. **Approve Updated City of Milpitas Facility Use Manual (Staff Contact: Renee Lorentzen, 408-586-3409 and Christopher Diaz, 408-586-3040)**

Recommendation: Approve the Updated City of Milpitas Facility Use Manual.

16. **Provide direction to staff on draft Council policies for training and events (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Kantak, 408-586-3053)**

Recommendation: Provide direction to staff on draft Council policies for training and events.

REPORTS OF MAYOR & COUNCILMEMBERS - from the assigned Commissions, Committees and Agencies

17. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan related to Social Media (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: hear request item from Councilmembers Nuñez and Phan to review and develop a policy for use of social media by the Mayor and City Councilmembers.

18. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan Related to Proclamations and Commendations Policy (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request of Councilmembers Nuñez and Phan to review and codify policy for Milpitas proclamations and commendations.

19. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan Related to a Main Street Museum and Park (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request of Councilmembers Nuñez and Phan for a study on a museum and park on Main Street in partnership with a non-profit group.

20. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan Regarding a Community Theater (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request of Councilmembers Nuñez and Phan to request a study on building a community theater in the civic center area or school district property.

21. **Receive Agenda Item Request Form From Mayor Tran and Councilmember Montano - Rename Park (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Hear request from Mayor Tran and Councilmember Montano submitted through the Council Agenda Request Form, regarding the renaming of Augustine Memorial Park to Sunnyhills Albert Augustine Jr. Memorial Park.

22. **Receive Agenda Item Request Form From Mayor Tran and Councilmember Montano - Railroad Quiet Zone (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Hear request from Mayor Tran and Councilmember Montano submitted through the Council Agenda Item Request Form, to establish a "Union Pacific Railroad Quiet Zone."

23. **Receive Agenda Item Request Form From Mayor Tran and Councilmember Montano - Green Bike Lanes (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Hear request from Mayor Tran and Councilmember Montano submitted through the Council Agenda Item Request Form, regarding "Green Bike Lanes (CIP)."

24. Receive Agenda Item Request Form From Mayor Tran and Councilmember Montano Regarding Dumpster Days (Contact: Mayor Tran, 408-586-3029)

Recommendation: Hear request from Mayor Tran and Councilmember Montano submitted on Agenda Item Request Form seeking to have City-sponsored free "Dumpster Days" for Milpitas residents.

25. Receive Agenda Item Request Form From Mayor Tran and Councilmember Montano - Consider Renewing Sister City (Contact: Mayor Tran, 408-586-3029)

Recommendation: Hear request from Mayor Tran and Councilmember Montano submitted through the Council Agenda Request Form, seeking the renewal of Sister City relationship with city of Dagupan, Philippines.

NEXT AGENDA PREVIEW

26. Receive Preview List for the Next Regular City Council Meeting Scheduled for October 15, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 15, 2019

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be

viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.